THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WP NO. 7330 OF 2007

27-04-2007

Between :

Nawab Basheer Yar Jung, Hyderabad

… Petitioner

And:

The Asst. City Planner, MCH, Hyderabad
And another

… Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 7330 OF 2007

ORAL ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Municipal Corporation.

The writ petition is filed apprehending illegal dispossession of the petitioner of his property bearing H.No. 6-3-1219'J' Vilayat Manzil, Khairatabad, Hyderabad, without initiating proceedings either under the Land Acquisition Act 1894 or under the provisions of the Hyderabad Municipal Corporation Act 1955 ('the Act').

Earlier by a notice dated 13.10.2006 the 1st respondent proposed to acquire 394.30 Sq.Yds of the petitioner's property for the purpose of widening the existing road from Begumpet Fly Over to Rajivgandhi Statue. The petitioner was requested to

cooperate by giving consent. The Municipal Corporation promised to pay for the value of the structures that would be demolished and to give the concessions under G.O.Ms. No.483 Municipal Administration dated 24.08.1998. The petitioner sent his response/reply to the said notice on which there was neither response nor action. According to the petitioner the officials of the 1st respondent are physically coming to the site and threatening dispossession of the petitioner's property, this time even without a fig leaf of a notice, is the complaint.

The learned Standing Counsel for the respondent-Municipal Corporation states on behalf of the respondents and on instructions that the respondents being public authorities cannot and will not dispossess the petitioner of his property without his consent u/Sec.146 and in the absence of any consent by notifying acquisition u/Sec. 147 of the act. No officer of the respondents would be permitted to dispossess the petitioner save in accordance with law. This is the submission made by the respondents through the learned Standing Counsel. This submission is recorded.

In the light of the above undertaking the petitioner need have no apprehension of any illegal conduct by or on behalf of the respondent-Municipal Corporation.

Recording the undertaking by the learned Standing Counsel for the respondent-Municipal Corporation, the writ petition is disposed of. No order as to costs.

27.04.2007

Pvsn Justice G.Raghurlam